



# LAND USE ANALYSIS

## DECISION STATEMENT

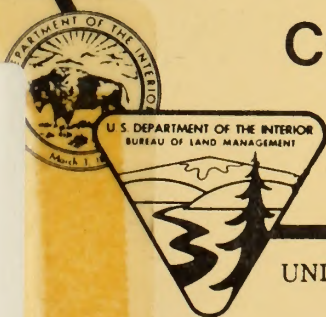


**NORTH AMERICAN COAL COMPANY**

**Coal Lease Application**

**M-34980 (ND)**

**DICKINSON DISTRICT OFFICE**



**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

2.3  
25  
78a

Bureau of Land Management  
Library  
Denver Service Center

BLM LIBRARY  
RS 150A BLDG. 50  
DENVER FEDERAL CENTER  
P.O. BOX 25047  
DENVER, CO 80225



ID 88045100

HD 242.3 ,L 25 1978a

~~NORT~~  
~~482~~  
~~EAR~~  
Supp.

DECISION STATEMENT

LAND USE ANALYSIS

NORTH AMERICAN COAL CORPORATION

COAL LEASE APPLICATION (M-34980(ND))

BLM LIBRARY  
RS 150A BLDG 50  
DENVER FEDERAL CENTER  
P.O. BOX 25047  
DENVER, CO 80225

May 15, 1978



## PURPOSE

This decision statement presents the final recommendation by the Dickinson District Manager on the leasing of 440.96 acres of Federal coal in Mercer County, North Dakota:

Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ ,  
Section 2, T143N, R89W, 5th P.M. - 440.96 Acres

Upon the determination that the application for Federal coal made by North American Coal Corporation met short term criteria, the Dickinson District Office of the Bureau of Land Management initiated a Land Use Analysis (LUA). The LUA is the planning and analytical process used to make the decision on whether or not to lease this particular tract of coal.

This decision statement is the final step in the process and supplements the Land Use Analysis document that was prepared and issued in March 1978. That document is titled Land Use Analysis/Environmental Assessment Record/Technical Examination - North American Coal Corporation Coal Lease Application. Those persons having received the original document will have this supplement mailed to them.

In this supplement are the final leasing recommendations with decision criteria, a discussion of public input, and a declaration statement as to whether or not an environmental impact statement is required. The final recommendation is being made following analysis of public comment received from its review of the Land Use Analysis and the initial recommendation on leasing.



## PUBLIC REVIEW, COMMENTS, AND ANALYSIS

The North American Coal Corporation Land Use Analysis review document was completed and distributed in March 1978. Copies were sent to nearly 60 governmental agencies and interest parties. Others were invited to obtain copies at the District Office in Dickinson. This offer was made in articles through the local newspapers.

A public meeting/hearing was held to discuss the analysis and mining methods. It was held on April 10, 1978, at 7:30 p.m. in Beulah, North Dakota. Representatives from U.S. Geological Survey were present to discuss mining methods and related coal data. BLM representatives led the discussion on the analysis. Eighteen members of the general public attended. Most were representatives of North American Coal Corporation with the remainder from various other interests. The surface owner over the Federal coal, John Buechler, was present.

Verbal comments at the public meeting related to mining procedures for this particular area and concerns toward reclamation and loss of water from wells and springs.

Written comments received covered a variety of things, i.e., post mining use, reclamation, loss of coal and a request not to issue the lease. The written comments and the district responses, where required, are on the immediate following pages.

The comments were evaluated and considered in making the final decision.

# NORTH DAKOTA STATE PLANNING DIVISION

STATE CAPITOL - NINTH FLOOR - BISMARCK, NORTH DAKOTA 58505  
701-224-2818

May 2, 1978

STATE INTERGOVERNMENTAL CLEARINGHOUSE "LETTER OF COMMENT"  
ON PROJECT REVIEW IN CONFORMANCE WITH OMB CIRCULAR NO. A-95

To: Bureau of Land Management - Dickinson District Office

STATE APPLICATION IDENTIFIER: 7804047304

District Manager  
Bureau of Land Management  
P.O. Box 1229  
Dickinson, ND 58601

RECEIVED  
USDI MAY 03 1978 BLM  
DICKINSON, N. D.  
ACTION \_\_\_\_\_ FILE \_\_\_\_\_

Dear Sir:

Subject: Environmental Assessment for Proposed Lease of 441 Acre  
Tract of Federal Coal Near Zap.

This assessment was received in our office April 4, 1978.

In the process of the A-95 review, the attached comments were received from the Game & Fish Department, Energy Development Board of Mercer County, and Soil Conservation Service.

This document and attachment constitute the comment of the State Intergovernmental Clearinghouse, made in compliance with OMB Circular No. A-95. The ND State Intergovernmental Clearinghouse requests the opportunity for complete re-review of applications for renewal or continuation grants or applications not submitted to or acted on by the funding agency within one year after the date of this letter.

Sincerely yours,

*Bonnie A. Banks*

Mrs. Leonard E. Banks  
Associate Planner

LEB/mm

Attachment



FROM: STATE INTERGOVERNMENTAL CLEARINGHOUSE  
STATE PLANNING DIVISION - NINTH FLOOR  
STATE CAPITOL  
BISMARCK, NORTH DAKOTA 58505 (701-224-2818);

SAI NO. 78-304

DATE RECEIVED:

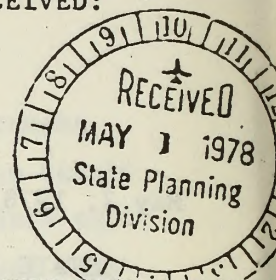
PROJECT NOTIFICATION FOR REVIEW UNDER OMB A-95

DATE: April 12, 1978

TO: RUSSELL STUART  
GAME AND FISH DEPARTMENT  
2121 LOVETT AVENUE  
BISMARCK

662  
14

ND 58505



PROJECT

TITLE: Proposed lease of 441 acre tract of Federal coal near Zap.

APPLICANT: Dept. of the Interior, Bureau of Land Management - Dickinson Dist. Office.

The Clearinghouse has received an environmental assessment for review under OMB Circular No. A-95 for the above project. The attached project information is referred to your agency for your review and comment. Please review the proposal as it affects the plans and programs of your agency as well as those plans with which you are familiar, and indicate your comments below or on a separate sheet. Some general suggestions to assist in your review of projects are on the reverse of this form.

A copy of all of the material received by the Clearinghouse is attached.

Your cooperation is requested in completing your review and returning this form to our office within ten (10) days from the date of receipt. If no response or indication of your desire to comment is received within fifteen (15) days of date of notification, it will be assumed you have no comments on the proposal.

The proposed activities ☐ are consistent with state, areawide,  
☐ are not or local plans with which you are famili

The proposed activities ☐ do contribute to the implementation  
☐ do not of those plans

☒ More review time is needed and comments will be forwarded by (date) May 3, 1978

☐ No identified conflict (no comment) ☐ Proposal is supported as written

☐ Requests a meeting with the applicant ☐ Desires to review final applicatio

☐ Desires to review environmental assessment (if available)

☐ Comments, identified issues, suggestions, recommendations or suggested stipulations are listed below or attached

☐ For the following reasons, (approval) (disapproval) of the project is suggested:

REVIEWER'S  
SIGNATURE:

LARRY KRUCKENBERG 4

DATE:

April 28, 1978



STATE PLANNING DIVISION  
STATE CAPITOL  
BISMARCK, NORTH DAKOTA 58505 (701-224-2818)

at SPD.

PNRS NO. 78-304  
DATE RECEIVED:

PROJECT NOTIFICATION FOR REVIEW UNDER OMB A-95

DATE: April 12, 1978

TO: William A. Walton  
Energy Development Board of Mercer County  
Box 670  
Hazen, ND 58545



SUBJECT:

RE: Proposed lease of 441 acre tract of Federal coal near Zap.

APPLICANT: Dept. of the Interior, Bureau of Land Management - Dickinson Dist. Office.

Clearinghouse has received an environmental assessment for review under OMB Circular No. A-95 for the above project. The project information is to have been sent your agency directly by the applicant or its agent for your review and comment. Please review the proposal as it affects the plans and programs of your agency as well as those plans with which you are familiar, and indicate your comments below or on a separate sheet. Some general suggestions to assist in your review of projects are on the reverse of this form.

A copy of the proposal is to have been sent to you under separate cover.

Cooperation is requested in completing your review and returning this form to our office within ten (10) days from the date of receipt. If no response or indication of desire to comment is received within fifteen (15) days of date of notification, it will be assumed you have no comments on the proposal.

proposed activities ☒ are consistent with state,  
☐ are not areawide or local plans with which you are familiar  
proposed activities ☒ do contribute to the  
☐ do not implementation of those plans

☐ More review time is needed and comments will be forwarded by (date) \_\_\_\_\_

☐ No identified conflict (no comment) ☒ Proposal is supported as written

☐ Requests a meeting with the applicant ☐ Desires to review final application

☐ Desires to review environmental assessment (if available)

☐ Comments, identified issues, suggestions, recommendations or suggested stipulations are listed below or attached

☒ Suggest (approval) (disapproval) of the project for the following reasons:

and should be moved successively or in adjoining  
units.

REVIEWER'S  
SIGNATURE: William A. Walton

DATE: 4/20/78

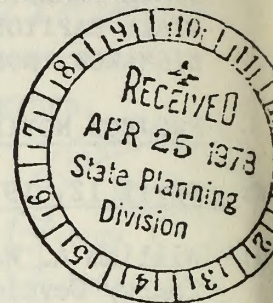
RE: Staff Director

TELE: 778-6361



PROJECT NOTIFICATION FOR REVIEW UNDER OMB A-95DATE: April 12, 1978

TO: Mr. Allen Fisk, State Conservationist  
 Soil Conservation Service  
 P.O. Box 1458  
 Bismarck, ND 58501



## PROJECT

TITLE: Proposed lease of 441 acre tract of Federal coal near Zap.APPLICANT: Dept. of the Interior, Bureau of Land Management - Dickinson Dist. Office.

The Clearinghouse has received an environmental assessment for review under OMB Circular No. A-95 for the above project. The project information is to have been sent to your agency directly by the applicant or its agent for your review and comment. Please review the proposal as it affects the plans and programs of your agency as well as those plans with which you are familiar, and indicate your comments below or on a separate sheet. Some general suggestions to assist in your review of projects are on the reverse of this form.

A copy of the proposal is to have been sent to you under separate cover.

Your Cooperation is requested in completing your review and returning this form to our office within ten (10) days from the date of receipt. If no response or indication of your desire to comment is received within fifteen (15) days of date of notification, it will be assumed you have no comments on the proposal.

The proposed activities ☐ are consistent with state,  
☐ are not areawide or local plans with which you are fam  
 The proposed activities ☐ do contribute to the  
☐ do not implementation of those plans

- ☐ More review time is needed and comments will be forwarded by (date) \_\_\_\_\_
- ☐ No identified conflict (no comment) ☐ Proposal is supported as written
- ☐ Requests a meeting with the applicant ☐ Desires to review final application
- ☐ Desires to review environmental assessment (if available)
- ☒ Comments, identified issues, suggestions, recommendations or suggested stipulations are listed below or attached
- ☐ Suggest (approval) (disapproval) of the project for the following reasons:

REVIEWER'S

SIGNATURE: Charles E. MyerDATE: 4-21-78TITLE: Asst. Dir. Cons.

TELE: \_\_\_\_\_



SCS Comments on Proposed Lease of 441 Acre Tract of Federal Coal  
Near Zap

Page I-3. Redistribution of soils is not the correct terminology.  
Redistribution of soil material or plant growth materials would be correct.

Page I-23. What is an <sup>S</sup>ASC soil survey? What type of hayland (tame - native)  
is being discussed?

Page I-37. Second paragraph conflicts with statement paragraph 2,  
page I-9.

Page I-39. First paragraph, last two sentences -- contents expressed are  
still speculative.

Page I-48 and I-9. Does USGS have standards and specifications for  
erosion control seed and planting stipulations acceptable to PSC?

Page I-70. Third paragraph -- It would be appropriate to change the  
"should be" to "will be".

Page II-1. Statement concerns suitability for reclamation for native  
rangeland and tame pasture or hayland but does not mention suitability for  
cropland.

Page III-2, states that the land owner wants to increase the amount of  
cash crop acres; therefore, page II-1 concerns should be addressed.

## RESPONSE TO SCS COMMENTS

- Page 1-3                      Soil material would be correct terminology.
- Page 1-23                     Writer was referring to SCS soil survey information.
- Page 1-39                     Comment is true. This is why the word "may" was used. Soil material will be removed over an area composed of a number of different soil series at varying depths and all mixed together. This will substantially dilute the sodium and gypsum since these are not present in all soil in significant amounts. The material actually saved may not contain significant amounts of these two constituents anyway. Reclamation may not, therefore, mix the quantities of gypsum and sodium as occurs when soils such as Rhoades and Belfield are plowed in place. However, one effect which will occur in both cases is the breaking up of the sodic claypan.
- The 2 to 3 years figure was given for leaching but droughty conditions could extend the time period even longer.
- Page I-48 and  
1-9.                             The mining company submits its plans for erosion control in the detailed mining plan. These measures must meet all State and Federal regulations. The mining company must continue to meet all standards as mining and reclamation proceeds. Approval and acceptance by all agencies must be given on erosion control. Seed and planting must be approved by all involved as listed.
- Page I-70                      "will be" would be appropriate.



Page II-1

The words "or hayland" should be changed to "and cropland."

Page III-2

By changing the words on page II-1, there should be no conflict with this page.

Page I-37

By changing the wording on page I-9 to "wind and water erosion of the stockpiles are reduced...." there will not be a conflict of wording with page I-37, paragraph 2, line 2. This line states that air standards will be exceeded locally during periods of high winds. Presently, page I-9, paragraph 2 says erosion will be controlled. If controlled, standards may not be exceeded.

**NORTH DAKOTA GAME AND FISH DEPARTMENT**

BISMARCK, N. DAK.

58505

PHONE - 224-2180

May 2, 1978

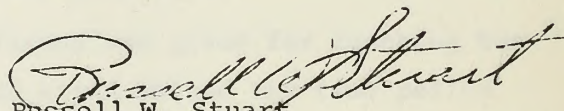
Charles E. Steele, District Manager  
Bureau of Land Management  
P.O. Box 1229, Pulver Hall  
Dickinson, ND 58601

Dear Chuck,

Enclosed are our comments on the proposal of North American Coal  
to mine on 441 acres of section 2 near Zap.

We appreciate the opportunity to comment. If you have any  
questions please get in touch.

Sincerely,

  
Russell W. Stuart  
Commissioner

RWS:lr  
enclosure

RECEIVED  
USD MAY 03 1978 SLM  
DICKINSON, N. D.  
ACTION \_\_\_\_\_ FILE \_\_\_\_\_



I-8: According to figures presented on p. I-7 NACCO will be moving to the northeast in about six years. Since this move definitely will be made sooner or later anyway, it is not a factor in the decision to mine or not in the application area.

Further, we are uneasy with the contention on this page (and on pp. I-53 and I-55) that this coal may never be mined if bypassed now. There are so many variables attached to this concept as to make the statement misleading, since it seems to have been put forth as a reason why the coal should be leased now. The price of energy is climbing all the time. While the cost of returning to this area may at present be prohibitive for NACCO, past trends in energy prices may put quite a different face on things in the future. Also, yearly improvements in technology indicate that at some future time it may be feasible to recover the coal present in the northwest part of the tract as well, even though this coal presently is defined as unstrippable because it is buried too deep. Further, higher energy prices could make any thinner seams above the presently minable seam recoverable also, resulting in utilization of that coal rather than disposing of it in the overburden, as is currently practiced now. Also, though NACCO may never return to the area if it is bypassed now, there is the possibility of a smaller operation moving into the area at some future date to produce home heating fuel, as to supply a smaller consumer. The Sprecher Mine near Elgin currently mines 4,000 tons per year in this way; at that rate of extraction section 2 could produce coal for many years. So, it appears that, even if bypassed now, the coal could be mined at some future date. Finally, it is entirely conceivable that some feature or other of the surface could outweigh any gains to be realized from mining the coal. Bypassing the coal may thus be desirable, even though it could mean the coal would be lost forever as an energy source. In our view, all of these considerations enter

into any discussion of bypassing coal with the result that it may remain unmined, and if that statement is made, appropriate qualifiers should be included in the text.

- I-22: It is noted here that 95% of the proposed mine area is in native range. Page I-23 gives the figure as 60%. Please clarify.
- I-39: It is doubtful that reclamation will have the same effect here as deep plowing, since overburden is generally turned "upside-down" in the course of stripping, and the gypsum layer would thus be expected to end up near the level of the coal seam.
- I-46: Would it be possible to use mine seep water to wet down the haul roads for dust suppression?
- I-48: We support revegetation to native, rather than tame, grass cover. The Public Service Commission has promulgated specifications for such revegetation, and we recommend they be followed. Further, since information presented on pp. I-79 - I-93 indicates that the majority of the proposed mining area is in capability class III or higher. We thus recommend that a close look be taken at each mapping unit and that areas not suited to farming not be returned to that land use.
- We would also recommend some scattered shrub plantings on the tract; these would enhance the wildlife potential with minimal loss of grazing. We recommend this in addition to the buffaloberry planting described on p. I-50.
- I-54: There is a statement here to the effect that "successful reclamation will create habitat which could enhance both wildlife species diversity and numbers." We have seen nothing in this document to substantiate this statement. Please clarify.



## REPOSE TO NORTH DAKOTA GAME AND FISH

### 1. Comment: I-8

Response: Comment is true. The discussion was just describing the situation, not making a basis for a decision.

Under present technology and economics, it is highly unlikely that this coal would ever be recovered. The types of operations discussed are disappearing rather than appearing. However, it is agreed that the statement should be amended or qualified. The decision criteria (no. 12) addresses "a low potential for future recoverability."

Agreed that bypassing the coal could be desirable due to some other higher value. The value of the coal must be weighed against other values. This was done, and it was determined that the coal value exceeded other values.

### 2. Comment: I-22

Response: Page I-22 states 95 acres, not 95 percent.

### 3. Comment: I-39

Response: The material actual saved may not contain substantial amounts of sodium and gypsum. The reclamation process may not, therefore, mix the quantities of gypsum and sodium as occurs when soils such as Rhoades and Belfield are deeply plowed in place. However, there may be some of the same chemical reactions taking place even though not very significant. One effect which will occur in both places is the breaking up of the sodic claypan.

### 4. Comment: I-46

Response: Yes, if water quality and quantity are acceptable.

5. Comment: I-48

Response: It will be recommended that seeding be done in accordance to PSC's native grass selection. Cropland restoration and possible increase in acres will be based on reclamation plans agreed to by PSC, coal lessee, USGS, BLM, and landowner. The landowner desires are heavily weighed.

Since the present distribution of shrubs is very sparse and limited to buffalo berry, recommendations were limited to replacement and not enhancement of shrub stands.

6. Comment: I-54

Response: This statement was made under the assumption that the area mined may all go back to cropland as desired by the landowner. The statement acknowledges that some wildlife species will suffer because 95 acres of native range could be replaced by cropland, but points out that cropland vegetation will benefit other species. As present surface management allocates little native forage to wildlife, the logic behind the statement is that more forage production under cropland management will provide more forage for wildlife than would straight pastoral management.





# United States Department of the Interior

BUREAU OF RECLAMATION  
MISSOURI-SOURIS PROJECTS OFFICE  
P. O. BOX 1017  
BISMARCK, NORTH DAKOTA 58501

IN REPLY REFER TO: 705  
120.

APR 17 1978

RECEIVED

USDI APR 18 1978 BLM

DICKINSON, N. D.

ACTION \_\_\_\_\_ FILE \_\_\_\_\_

## Memorandum

To: District Manager, Bureau of Land Management  
Dickinson, North Dakota

From: <sup>Acting</sup> Project Manager, Bismarck, North Dakota

Subject: Comments on Land Use Analysis, North American Coal Company  
Coal Lease Application M-34980(ND)

We have reviewed your Land Use Analysis (EAR/TE) of the North American Coal Company's lease application M-34980(ND). The report does not positively indicate whether the area will be reclaimed to cultivated or non-cultivated agricultural uses. The statement on page II-1 that "the proposed mining area is suitable for reclamation to native rangeland, tame pasture or hayland" implies that the land will be reclaimed for these purposes. Item 10 on page III-1 recommends the land be reclaimed for agricultural purposes "because it is the desire of the surface owner and is the most productive use of the land." Page III-2 states that the surface owner desires to "increase the amount of cash crop acres, thereby reducing the pasture acres" (emphasis added).

The soils data contained within the text, however, supports the first recommendation on page II-1. If these lands are to be cultivated, additional data on substrata and geological material needs to be included in the report.

*Robert H. Jones*

RESPONSE TO BUREAU OF RECLAMATION COMMENTS

Cultivated and uncultivated agricultural use will be determined upon development of a reclamation plan. An increase in cropland (conversion from pastureland) may or may not be possible. Additional soils and geological data is available to make these determinations but are not contained within the report. The report is a concise document to discuss the action and its impacts, mitigations, etc., and not meant to hold all detailed information.



RECEIVED

DDI MAY 01 1978 BLM

DICKINSON, N. D.

ACTION \_\_\_\_\_ FILE \_\_\_\_\_

Zap. North Dakota  
April 27, 1978

Bureau of Land Management  
Dickinson, North Dakota

I'm writing to you in regard to Federal coal leasing of section two (2) to North American Coal Corporation for the purpose of proposed coal mining.

I believe that this parcel of coal cannot be mined within the new federal coal mining laws.

First of all the lay of the land is such that there will be severe water erosion once the land is disturbed. According to the law run off water and pumped water has to be so clean before it can leave the proposed permitted mine area. The mining permit shows that they will mine up to the section line and this means that all the drainage from the permitted mine will be on my property. Its not necessary for me to have any dug outs on my property to catch these suspended particles. Further more the strong aquif



in this region would only compound the problem of having more water and suspended material leaving the permitted mine area, and not being clean enough would have a long term effect on downstream farming operations plus pollution in the Knife River, which is only about one and one half ( $1\frac{1}{2}$ ) miles south of the proposed mining area. Secondly, there is the question that if it is by passed it probably will never be mined because the mining operation will have to move in a few short years. If this Coal with shallow overburden can be mined or lost forever, then why can't the Coal under deep overburden in this same area be mined? According to the land use analysis this deep overburden (140'-150') Coal will never be mined, and there will be money lost here by the Federal, State, and local governments, plus the Coal that will be lost as an energy factor.

If there was some ~~serious~~ serious concern as to the topography impact then



it would be noted that almost two (2) miles of wet creek and marshy area will be lost because of the aquifers and very good springs which supply water for wildlife and useable range water for me and my neighbors. This spring is trouble and maintenance free and is not replaceable by any mechanical or electrical system to date that is maintenance free year around.

It will also be noted that in section 36-144-89 this same company dug a coal pit by a known aquifer and the spring that was uncovered was so strong that the coal in this area was flooded and lost forever because the pit was closed.

Next I do not feel that I am adequately compensated for now, several years after the original lease was signed. If the federal law was so great then it wouldn't be necessary for me to tell you that the coal in that ground is something that is there too, just like the topsoil that I've been making a fair living off all these years. I feel I should



be compensated for the total number of years that this land is out of production. For one thing the rate of inflation has more than eaten up any monetary gain some one would have hoped to receive from leasing. If one looks at the surface lease price when it was signed and compares it to today's costs as opposed to coal profits then and coal profits now, a person could only say that it's out of proportion and only making the energy industry more inflationary.

Also there are some 400,000 tons of coal on the north side of an Amoco oil pipeline that will be lost according to my latest information. Now to be really concerned about energy it should be mined too, if there is any mining at all and not just jump around to mine the easy coal with shallow overburden.

After all coal is energy <sup>the</sup> and nation needs. It's just like the tax revenue it will generate.



In closing I would respectfully request that the mining permit be denied for section 2-14<sup>3</sup>-89 because of the severe water drainage and erosion problems. The loss of this irreplaceable spring and the compounded water problems it presents, the inadequacy of federal law to provide the landowners with compensation for the total years his land is out of production and the haphazard way that energy is left behind in mined out areas.

Sincerely yours,  
Johnny Buckler  
Mrs. Johnny Buckler



RESPONSE TO LETTER FROM JOHNNY BUECHLER

1. Comment: There will be severe water erosion.

Response: Some erosion will occur as surface vegetation is removed. Steps will be taken to limit the erosion and avoid downstream siltation.

2. Comment: Runoff water and pumped water must be clean before it leaves the mining area.

Response: True. Steps will be taken to assure that water leaving the area meets State standards.

3. Comment: It is not necessary to have dugouts on my (Buechler) property to catch suspended particles.

Response: Prior to mining, a mining and reclamation plan must be submitted by the coal company. Locations of pits and siltation ponds will then be discussed with the surface owner.

4. Comment: Water leaving the mining area would be too much volume and have too many suspended particles causing long-term effect on downstream farming and pollute the Knife River.

Response: Measures can and will be taken to avoid these impacts.

5. Comment: Why can't the deeper coal be mined?

Response: Under today's economics, the deeper coal is uneconomical to mine. The economic loss would be too much of a financial burden for a company to bear.



6. Comment: A spring and water supply for wildlife and livestock will be lost.

Response: The spring may be lost, and if it is, the coal company by law must reestablish a water supply. True, a well is not maintenance free as a spring. This cannot be mitigated.

7. Comment: I (Buechler) feel that I am not adequately compensated for the number of years the land is out of production.

Response: It has been the past and remains the present practice for the government to stay out of negotiations between surface owners and coal companies. The matter of compensation is left between them. A lease was entered into by Mr. Buechler for his surface rights. It is up to him to make the best deal. Also, it is not up to the Bureau of Land Management to judge what is adequate compensation. The agency has no direction or authority to do so. The recently passed Surface Mining Control and Reclamation Act indicates that Congress intended that the government be removed from compensation negotiations.

8. Comment: There are 400,00<sup>0</sup> tons of coal that will not be mined.

Response: The Conservation Division of the U.S. Geological Survey is responsible for assuring as complete a recovery of the Federal coal as practically possible. Such will be the case with this body of Federal coal.

9. Comment: Request that coal not be leased due to severe water drainage, erosion problems, spring loss, and inadequacy of Federal law to assure adequate compensation to the landowner.

Response: The above situations have been previously discussed. It is felt that the environmental concerns can be mitigated. The government does not nor is intended to be involved in compensation negotiations. Also, Mr. Buechler had given consent to mine through a lease he had entered into in 1973.

10. Comment: At a meeting with Mr. Buechler concerning his letter, he commented that he felt further economic loss by the inability to sell his farm while mining was eminent or in progress. Mr. Buechler would like to sell his farm but cannot at this time without substantial economic loss.

Response: The government cannot compensate Mr. Buechler for that type of loss.



## FINAL LEASING RECOMMENDATION

It is recommended that the 441-acre tract of Federal coal in Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 2, T143N, R89W, 5th P.M., Mercer County, North Dakota, be offered for lease for surface mining under competitive bidding.

It is further recommended that reclamation be directed at returning the land to a condition suitable for the agricultural use that presently exists on the land.

## SPECIAL STIPULATIONS

Special stipulations are those laying out requirements which are not covered by law and regulation or in the printed text of the lease form. For this lease, the recommended special stipulations are :

1. The lessee is required to comply with all applicable Federal and State regulations which are now or hereafter in force, and which are made a part hereof, including, but not limited to, North Dakota Century Code (NDCC 38-14).
2. Rehabilitation of the area will include the reestablishment of existing diversion ditches and canals.

## DECISION CRITERIA

1. The coal is needed and will contribute to the energy needs of the State and the nation. Its recovery and use will help meet the energy development objectives of the President and Secretary of Interior.
2. Beneficial use will be made of the coal in supporting local needs and supplying an electric generating facility.

3. The coal facilitates the continued operation of a long established mine which contracts coal to a nearby electric generating facility.
4. The applicant meets the legal requirements for leasing.
5. Development of the coal will not have any adverse social impacts.
6. There will be beneficial economic impacts to the State and Federal governments through the collection of taxes, rentals, and royalties.
7. Adverse social and economic impacts could occur through not leasing or untimely leasing of this coal. The company has indicated an emergency need for this coal.
8. Good reclamation potential exists; however, it is recognized that a good reclamation plan must be developed and carried out for complete success.
9. Most physical adverse impacts will be of short-term and mitigated over time. There may be a reduction or cessation of flow of springs, but alternative sources of water are available to the lessee to substitute for lost water.
10. Irreversible impacts are not significant.
11. The area is recommended to be returned to a condition to support agriculture because it is the desire of the surface owner and is the most productive use of the land.
12. The location of the coal in relative to ongoing mining is such that it logically and feasibly should be mined at this time. If not mined at this time, it will become a small isolated island of coal with a low potential for future recovery.



ENVIRONMENTAL IMPACT STATEMENT DECLARATION

It was found that the size of this action is not significant; the social, economic, and physical resource impacts are not significant; and public controversy is not significant. Therefore, it is recommended that an environmental impact statement as described in the National Environmental Policy Act of 1969 not be made.

Charles E. Steele

Charles E. Steele  
District Manager

May 15, 1978  
Date

BLM LIBRARY  
RS 150A BLDG. 50  
DENVER FEDERAL CENTER  
P.O. BOX 25047  
DENVER, CO 80225



Bureau of Land Management  
Library  
Denver Service Center

R'S CARD		DATE RETURNED	OFFICE	(Continued on reverse)
8a	Land use analysis, decision statement			

HD 242.3 .L25 1978a

Land use analysis, decision statement

BLM LIBRARY  
RS 150A BLDG. 50  
DENVER FEDERAL CENTER  
P.O. BOX 25047  
DENVER, CO 80225

**UNITED STATES**

**DEPARTMENT OF THE INTERIOR**

**BUREAU OF LAND MANAGEMENT**

Dickinson District Office

P.O. Box 1229

Dickinson, ND 58601

**OFFICIAL BUSINESS**

**PENALTY FOR PRIVATE USE, \$200**

**AN EQUAL OPPORTUNITY EMPLOYER**

**POSTAGE AND FEES PAID**

**U. S. DEPARTMENT OF THE INTERIOR**

**INT 415**

